

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BORIS C. MURPHY,

Petitioner,

v.

B.M. TATE,

Respondent.

Case No. 1:22-cv-00124-EPG-HC

ORDER DENYING PETITIONER'S
REQUEST FOR ENTRY OF DEFAULT

(ECF No. 9)

ORDER DIRECTING CLERK OF COURT
TO SEND PETITIONER COPY OF
MOTION TO DISMISS

Petitioner Boris C. Murphy is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On May 5, 2022, Respondent filed a motion to dismiss the petition. (ECF No. 8). On June 15, 2022, the Court received the instant request for entry of default. (ECF No. 9). However, Respondent filed a certificate of service with the Court certifying that on May 5, 2022, a copy of the motion to dismiss was served on Petitioner by mail. (ECF No. 8 at 7).¹ Accordingly, the Court finds that entry of default is not warranted.

Based on the foregoing, the Court HEREBY ORDERS that:

1. Petitioner's request for entry of default (ECF No. 9) is DENIED;
2. The Clerk of Court is DIRECTED to send Petitioner a copy of Respondent's motion to dismiss (ECF No. 8);

¹ Page numbers refer to the ECF page numbers stamped at the top of the page.

3. Within twenty-one (21) days of the date of service of this order, Petitioner SHALL FILE an opposition or statement of non-opposition to the motion to dismiss; and
4. Any reply to an opposition to the motion to dismiss shall be filed within fourteen (14) days after the opposition has been filed in CM/ECF.

IT IS SO ORDERED.

Dated: **June 16, 2022**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE